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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,017	08/17/2006	Maric Thomas Gilles Raffle	20997-003US1 F20137 1760	
26161 7590 08/14/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER	
			LIN, KUANG Y	
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			1725	
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			08/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Diffice Action Summary Examiner	The second secon	Application No.	Applicant(s)			
Numary V. Lin 1725		10/596,017	RAFFLE, MARIE THOMAS GILLES			
The MALING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MALING DATE OF THIS COMMUNICATION. Eatherwise to them may be available under the provisions of 30°CR 1-13(b), in no event however, may a reply be limity lifed. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the maling pase of this communication. Failthe to prey within the set or extended period for reply is by statute, care the application to become ABANDOR (C) 30 U. S. C. § 133). Any reply resolved by the Office later than three months after the manufacture of the communication, even 1 timely field. This communication is provided by the communication of the communication is provided and the communication of the communication is provided and the communication of the communication is provided by the communication of t	Office Action Summary	Examiner	Art Unit			
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a)	Priority under 35 U.S.C. § 119					
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3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO/SB/08) 5) ☐ Notice of Informal Patent Application	1. Certified copies of the priority documents have been received.					
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1. Applicant is requested to provide in the specification headings such as "background of the invention", "summary of the invention", "brief description of the invention", "detailed description of the invention", etc. to render the specification in a better format.

- 2. Claims 6, 7, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - In claims 6 and 7, respectively, ", as the metal," shall be deleted to render the meaning definite. In claim 9, it is not clear what structure of the cast article is claimed.
- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US
- 4,842,038 to Fujino et al. and further in view of either UK 2,160,456 or DE 3,635,349.

Fujino et al. substantially show the invention as claimed except that they do not show to heat the casting mold. However, each of the secondary references shows to heat the different portions of the casting mold during casting process such that to obtain a casting product of better quality. It would have been obvious to heat the appropriate portions of the casting mold in the process of Fujino et al. as taught by the secondary references to obtain a casting product of

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better quality. With respect to claims 2, 3 and 14, it is conventional to provide an inert gas environment during casting process such that to prevent the molten metal from oxidizing. With respect to claim 5, it would have been obvious to obtain the optimal injection pressure, which depends on the size of the injection die casting machine, the size and the configuration of the article to be cast, the alloy composition, etc., through routine experimentation. With respect to claim 8, it is conventional to use injection casting mold for casting vehicle wheel rim (see, for example, JP 4-200,841). With respect to claim 9, it would have been obvious to use the injection die casting apparatus of Fujino et al. for cast article of any configuration. With respect to claims 11 and 19, it would have been obvious to provide as many casting stations and melting stations as it is needed to speed up the casting process. With respect to claim 18, the use of a wheel-rail in lieu of a carousal conveying apparatus presents no novel or unexpected result and solves no stated problem and would have been obvious to those of ordinary skill in the casting art, In re Kuhle, 188 USPQ 7.

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5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 and 17-18 of copending Application No. 10/596,015. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed disclosure of the copending application discloses the invention as claimed.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 571-272-1179. The examiner can normally be reached on Monday-Friday, 10:00-6:30,

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jonathan J. Johnson can be reached on 571-272-1177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the

published applications may be obtained from either Private PAIR or Public PAIR.

Patent Application Information Retrieval (PAIR) system. Status information for

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kuang Y. Lin/ Primary Examiner Art Unit 1725 Page 5

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